

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Manuel Cruz, #363270,)	C/A No.: 1:17-2157-JFA-SVH
)	
Plaintiff,)	
)	
vs.)	
)	ORDER
Zachary Hilton; William Donohue;)	
Matthew Waters; Jonathan Garrett;)	
Chad Maltby; Johnny Westmoreland;)	
Greenville County Sheriff Office; and)	
Mason Hubber,)	
)	
Defendants.)	
)	

Plaintiff, proceeding pro se and in forma pauperis, brought this action alleging violations of his constitutional rights pursuant to 42 U.S.C. § 1983. Defendants filed a motion to dismiss in lieu of an answer on November 29, 2017. [ECF No. 29]. As Plaintiff is proceeding pro se, the court entered an order pursuant to *Roseboro v. Garrison*, 528 F.2d 309 (4th Cir. 1975), on November 29, 2017, advising him of the importance of the motion to dismiss and of the need for him to file an adequate response by January 2, 2018. [ECF No. 30]. Plaintiff was specifically advised that if he failed to respond adequately, the motion may be granted.

Notwithstanding the specific warning and instructions set forth in the court's *Roseboro* order, Plaintiff has failed to respond to the motion. As such, it appears to the court that he does not oppose the motion and wishes to abandon this action. Based on the foregoing, Plaintiff is directed to advise the court whether he wishes to continue with this case and to file a response to the motion to dismiss by February 20, 2018. Plaintiff is

further advised that if he fails to respond, the undersigned will recommend this matter be dismissed with prejudice for failure to prosecute. *See Davis v. Williams*, 588 F.2d 69, 70 (4th Cir. 1978); Fed. R. Civ. P. 41(b).

IT IS SO ORDERED.



February 5, 2018
Columbia, South Carolina

Shiva V. Hodges
United States Magistrate Judge